

IDAHO REAL ESTATE APPRAISER BOARD
Bureau of Occupational Licenses
700 West State Street, P.O. Box 83720
Boise, ID 83720-0063

Board Meeting Minutes of 12/3/2012

BOARD MEMBERS PRESENT: Brad Janoush - Chair
Darin D Krier
Douglas D Vollmer
Paul J. Morgan
Nancy Sommerwerck

BUREAU STAFF: Tana Cory, Bureau Chief
Dawn Hall, Administrative Support Manager
Lori Peel, Investigative Unit Manager
Eric Nelson, Prosecuting Attorney
Roger Hales, Administrative Attorney
Cherie Simpson, Management Assistant
Rebecca Kun, Project Manager
Maria Brown, Technical Records Specialist

OTHERS PRESENT: General Manning
Tim Sullivan

OTHERS PRESENT LESS THAN TWO HOURS: Anthony Hays

The meeting was called to order at 8:30 AM MDT by Brad Janoush.

APPROVAL OF MINUTES

The Board reviewed the 10/22/2012 minutes. It was moved by Mr. Morgan to approve the 10/22/2012 minutes as written. Seconded by Ms. Sommerwerck, motion carried.

LEGISLATIVE REPORT

Ms. Cory gave the legislative report. The Board's temporary rule regarding online education will go before the Legislature during this Legislative Session.

FINANCIAL REPORT

Ms. Hall presented the financial report, which indicates a cash balance of (\$88,401.30) as of 10/31/2012.

FORMAL DISCIPLINARY ACTION

Mr. Nelson presented a memorandum for case REA-2011-14. Mr. Morgan recused himself from discussion and voting on case REA-2011-14. Following review, it was moved by Ms. Sommerwerck to close case REA-2011-14. Seconded by Mr. Krier, motion carried.

Mr. Nelson presented a Stipulation and Consent Order for case REA-2011-10. It was moved by Mr. Morgan to accept the Consent Order for REA-2011-10 and authorize the Board Chair to sign on behalf of the Board. Seconded by Mr. Krier, motion carried.

Mr. Nelson presented a Stipulation and Consent Order for case REA-2011-11. It was moved by Ms. Sommerwerck to accept the Consent Order for REA-2011-11 and authorize the Board Chair to sign on behalf of the Board. Seconded by Mr. Vollmer, motion carried.

Mr. Nelson and Mr. Hales addressed the Board regarding prosecution issues. There is a concern about prosecuting using subjective standards. The Board discussed the cognizant member's role and when warning letters in lieu of formal discipline is appropriate.

ROLE OF THE BOARD

Ms. Cory introduced General Manning to the Board. General Manning gave a presentation on the Role of the Board.

PROPOSED LAW AND RULE CHANGES

Mr. Tim Sullivan gave the Board an update on the work that has been done by a collaboration of individuals who represent the American Society of Farm Managers and Rural Appraisers (ASFMRA), the Appraisal Institute (AI), the Idaho association of realtors (IAR), and the Bankers Association regarding regulating appraisal management companies (AMCs) in the State of Idaho. He will be e-mailing an updated AMC draft to Mr. Hales and Ms. Cory. Ms. Brown asked Mr. Sullivan if he was aware that the Appraisal Subcommittee has stated that the federal AMC criteria will be completed in January of 2013. States will have three years from that point to implement AMC regulation. He stated that he was aware that the federal criteria is near completion. The Board asked Ms. Brown to forward the criteria as soon as it's published to Mr. Sullivan. The Board informed Mr. Sullivan that the Appraisal Subcommittee (ASC) will be attending the February Board meeting following a review of the Board's program and

invited him to attend and to allow the ASC Policy Manager to review the AMC draft. He agreed to attend the meeting and to bring a copy of the AMC draft for the policy manager to review.

INVESTIGATIVE REPORT

Ms. Peel presented the investigative report. The Board discussed the timeliness of investigating complaints.

For Board Determination:

Case number I-REA-2012-14. Mr. Morgan recused himself from discussion and voting on case I-REA-2012-14. Following review, it was moved by Ms. Sommerwerck to accept the Bureau's recommendation for closure for case I-REA-2012-14 with a warning letter. Seconded by Mr. Krier, motion carried.

Case number I-REA-2013-6. Mr. Morgan recused himself from discussion and voting on case I-REA-2013-6. Following review, it was moved by Ms. Sommerwerck to accept the Bureau's recommendation for closure for case I-REA-2013-6. Seconded by Mr. Krier, motion carried.

Case number I-REA-2013-8. Mr. Morgan recused himself from discussion and voting on case I-REA-2013-8. Following review, it was moved by Ms. Sommerwerck to accept the Bureau's recommendation for closure for case I-REA-2013-8. Seconded by Mr. Krier, motion carried.

Case number I-REA-2013-9. Following review, it was moved by Ms. Sommerwerck to accept the Bureau's recommendation for closure for case I-REA-2013-9 with a warning letter. Seconded by Mr. Krier, motion carried.

PROBATION REPORT

Ms. Peel presented the probation report.

FORMAL DISCIPLINARY ACTION

Ms. Peel presented a Notice of Violation and Settlement Order for case REA-2013-5. It was moved by Ms. Sommerwerck to accept the Notice of Violation and Settlement Order for REA-2013-5 and authorize the Board Chair to sign on behalf of the Board. Seconded by Mr. Morgan, motion carried.

OLD BUSINESS

PROPOSED LAW AND RULE CHANGES

Mr. Hales addressed the Board on the proposed law and rule changes that the Board addressed during its 4/30/2012, 6/18/2012 and 8/20/2012 Board meetings. Mr. Hales stated that he would be contacting the Board's subcommittee within the next couple of weeks to review the current draft and provide feedback. He is also planning on attending the February Board meeting and will provide a copy to the Appraisal Subcommittee for review and comment at that time.

TO DO LIST

The Board reviewed the to do list. No action was taken.

BROKER PRICE OPINION

Ms. Cory explained the process of filing a complaint with the Idaho Real Estate Commission regarding a broker price opinion. The Board agreed that the process seems to be working at this time.

JURISPRUDENCE EXAM

The Board reviewed its current Jurisprudence Exam to ensure relevancy and discussed adding it to the registered trainee application. It was moved by Ms. Sommerwerck to require that applicants applying for a registered trainee permit take and pass the current jurisprudence exam and that staff attach the exam to the registered trainee application on the Board's website. Seconded by Mr. Morgan, motion carried.

NEW BUSINESS

LICENSURE COUNT

The Board discussed the current licensee count.

EXECUTIVE SESSION

A motion was made by Mr. Krier that the Board go into executive session under Idaho Code § 67-2345(1) (d) to consider records that are exempt from disclosure under the Idaho Public Records Law. The purpose of the executive session was to consider license application materials. Seconded by Mr. Morgan. The vote was: Mr. Morgan, aye; Mr. Janoush, aye; Mr. Vollmer, aye; Mr. Krier, aye; and Ms. Sommerwerck, aye. Motion carried.

It was moved by Mr. Krier that the Board enter regular session. Seconded by Mr. Morgan. The vote was: Mr. Morgan, aye; Mr. Janoush, aye; Mr. Vollmer, aye; Mr. Krier, aye; and Ms. Sommerwerck, aye. Motion carried.

APPLICATIONS

Pending

It was moved by Ms. Sommerwerck to hold the following application pending further information:

901091899

Seconded by Mr. Krier, motion carried.

Approved for a temporary practice permit

It was moved by Mr. Morgan to approve the following applicant for a temporary practice permit:

MARK AMBRO WILLIAMS

TCGA

Seconded by Mr. Vollmer, motion carried.

CE AUDIT REVIEW

The Board reviewed a continuing education audit. After review, the Board presented its recommendations to Ms. Brown.

2013 BOARD MEETING DATES

February 6, 2013

April 22, 2013

June 10, 2013

August 19, 2013

October 21, 2013

December 2, 2013

ADJOURNMENT

It was moved by Mr. Vollmer that the meeting adjourn at 11:48 AM MST.

Seconded by Ms. Sommerwerck, motion carried.